

# **EXHIBIT 4**

**ORDONNANCE**

SUR VOI, NOUS JUGES DES REFERES

Attendu qu'il résulte de l'examen des pièces du dossier que la société SNG NOMECO a fait enregistrer au jugement américain à l'encontre de la société SNG NOMECO en date du 23 décembre 2004 ;

Attendu que ledit jugement n'est pas encore exécuté par les juridictions congolaises ;

Que dans ces conditions, ledit jugement ne saurait pas aux dispositions légales relatives à l'exécution des jugements étrangers, notamment ceux qui sont intervenus par les Tribunaux étrangers et les actes publics ou administratifs étrangers ne sont susceptibles d'être appliqués sur le territoire congolais qu'après avoir été déclarés exécutoires par une juridiction congolaise qui aurait été compétente ratione materiae pour en connaître ;

Attendu que ledit jugement n'a jamais été signifié à la S.N.P.O. ;

Attendu que dans ces conditions, la société SNG NOMECO est donc réintégrée et révoquée en vertu de l'article 57 du code de procédure civile, commerciale, administrative et financière ;

Attendu au fond qu'elle est fondée

Qu'il y a lieu d'y faire droit ;

Qu'il échet d'ordonner à la société NOMECO de délivrer sans délai à tout opérateur qui lui demandera le bail, toutes les quantités d'hydrocarbures lui appartenant et détenues par elle en vertu de leur contrat de participation ;

Attendu que la société SNG NOMECO bien que régulièrement convoquée, a comparu par le biais de Monsieur Robert de St ROCHARDIENS, Directeur des opérations, représentant le Directeur Général ;

Qu'il y a lieu de lui donner acte ;

Attendu que la société NOMECO a succombé au procès ;

Qu'il y a lieu de le condamner aux dépens conformément à l'article 57 du code de procédure civile, commerciale, administrative et financière ;

PAR CES MOTIFS

Statuant publiquement, contradictoirement, en référé en matière civile et en premier ressort ;

AU PRINCIPAL

Renvoyons les parties à mieux se pourvoir ainsi qu'elles en aviseront ;

MAIS DES A PRESENT, VU L'URGENCE, PAR PROVISION

Constatons que le jugement américain du 23 Décembre 2004 n'est pas exécuté par les juridictions Congolaises ;

Constatons que ledit jugement n'a pas été signifié à la société SNGC ;

.../...



EN CONSEQUENCE :

Ordonnons à la société NOMEQ de livrer sans délai à tout opérateur qui lui désignera la mine, toutes les quantités d'hydrocarbures lui appartenant et détenues par elle en vertu de leur contrat de partenariat ;

Ordonnons l'exécution immédiate de la présente ordonnance nonobstant toutes voies de recours ;

Relions les dépens à la charge de la société

NOMEQ;

Et, avons signé cette ordonnance avec le greffier

Présent les intervenants au dossier  
le Président et le Greffier

Par le Président du Tribunal  
le 28 Février 2004

Par le Greffier  
le 28 Février 2004

le Greffier en chef

En conséquence, le Président du Tribunal  
ordonne et décide à tous intervenants de se  
conformer à cette ordonnance et de verser  
les sommes dues au Trésorier de la République  
de Côte d'Ivoire, en vertu de la loi n° 12  
du 12 Mars 2004 relative à la gestion des  
finances publiques et de la loi n° 12  
du 12 Mars 2004 relative à la gestion des  
finances publiques.

Et sur ce, la présente ordonnance  
a été lue et entendue par les parties  
et les témoins, en présence du Greffier  
en chef, le 28 Février 2004.

Par le Tribunal  
Constaté  
le Greffier en chef

Me R. KORDO-KORDO  
Greffier en chef






## Certification of Translation

ATA Certified  
Steven Sachs

This is to certify that the following document:

Court Order in the matter of SNPC v. NOMECCO

is an accurate and true translation prepared by the undersigned from French into English. I am a translator certified by the American Translators Association for translation from French into English.

  
Steven Sachs  
1312 Harbor Road  
Annapolis, MD 21403

1-10-05  
Date

e-mail: [steven@steven-sachs.com](mailto:steven@steven-sachs.com)  
Ph: (301) 261-1016  
Fax: (509) 461-9020

Subscribed and sworn before me on this 10<sup>th</sup> day of January of 2005

PAUL J. HARRIS  
Notary Public  
Anne Arundel County  
My Commission Expires 12/31/2006

  
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/2006

**EXECUTION COPY**

F. 204

C 1212

**REPUBLIC OF THE CONGO ON  
BEHALF OF THE CONGOLESE PEOPLE**

REGISTER No. 1212 /  
OF DECEMBER 28, 2004

**ORDER**

IN THE MATTER OF: SNPC

VERSUS: NOMEKO

SUBJECT: IMMEDIATE SUMMONS

[stamp: EXECUTION COPY  
Certified True Copy  
Joachim Mitolo, Attorney at Law  
B.P. 1384 [Tel. 94 83 28] [signature]

---

IN THE YEAR TWO THOUSAND AND FOUR:

AND ON THE TWENTY-EIGHTH DAY OF THE MONTH OF DECEMBER;

BEFORE US, Norbert Elanga, Presiding Judge of the Pointe-Noire Court of First Instance, holding an urgent public hearing in our Chambers in the Courthouse of said city;

Assisted by Cathérine Kedet Issongo, Head Registrar;

THE FOLLOWING APPEARED

Société Nationale des Pétroles du Congo, (acronym: SNPC), a government-owned industrial and commercial enterprise, with headquarters at B.P. 88, Brazzaville, filing through it legal representative;

The SNPC has been garnished by the American obligees of the Congolese State, NOMEKO, which was to deliver to it a cargo of 550,000 barrels of oil, and refuses to do so on the grounds that said cargo has been garnished based on the decision of the Court of the State of Texas of December 23, 2004, making possible the garnishment of said cargo;

Yet a court decision handed down by a foreign jurisdiction, even when the obligor renounced its immunity from jurisdiction and execution, cannot be automatically executed abroad and that, to be executed, it is necessarily subject to an execution procedure as stipulated by Article 299 of the Code of Civil, Commercial, Administrative

[stamp: EXECUTION COPY  
Certified True Copy  
Joachim Mitolo, Attorney at Law  
B.P. 1384 [Tel. 94 83 28] [signature]

[illegible signature]

[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

and Financial Procedure, according to which: "Unless there are diplomatic conventions that stipulate otherwise, judgments handed down by foreign courts and official instruments by foreign public or ministerial officers may not be executed in the Congo until they have been declared enforceable by a Congolese jurisdiction that has *ratione materiae* jurisdiction to take cognizance thereof;"

That in this case and with no necessity of debating the merits or the lack thereof of the action to seize by the U.S. obligees, there is reason to find that the decision that NOMECO is using as a basis has never been executed. Worse, the Congolese courts have not yet received an application for authority to enforce this judgment;

Therefore, the matter of removing the cargo in the possession of NOMECO is urgent and entails a certain peril, so that it should be made enforceable immediately that NOMECO deliver said cargo to any operator that the SNPC [Société nationale des pétroles du Congo – Congo National Petroleum Company] may designate;

BASED UPON WHICH, WE, THE JUDGE FOR URGENT MATTERS

Whereas the examination of the exhibits in the file shows that NOMECO has applied a U.S. judgment handed down in the State of Texas on December 23, 2004 against the SNPC;

Whereas said judgment has never been executed by the Congolese jurisdictions;

That under these conditions, said judgment does not satisfy the statutory provisions of Article 299 in particular of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, which stipulates that "unless there are diplomatic conventions to the contrary, the judgments handed down by foreign courts and instruments received by foreign public or ministerial officers may not be executed in the Congo until they have been declared enforceable by a Congolese jurisdiction that was given *ratione materiae* jurisdiction to take cognizance of the matter;

Whereas, said judgment has never been notified to the SNPC;

Whereas since the application of the SNPC is thus in order and admissible under Article 207 of the Code of Civil, Commercial, Administrative and Financial Procedure;

Whereas it has merit in terms of the substance;

That there is reason to accept it;

[stamp: EXECUTION COPY  
Certified True Copy  
Joachim Mitolo, Attorney at Law  
B.P. 1384 [Tel. 94 83 28] [signature]

[illegible signature]

[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

That NOMECO is ordered to deliver without delay to any operator that the SNPC designates all quantities of hydrocarbons that belong to it and that are in NOMECO's possession pursuant to their partnership contract;

Whereas NOMECO, duly convened, has appeared through the representative of the Director General, Mr. Benoît de la Fouchardière, Operations Manager;

It is to be officially recorded;

Whereas NOMECO has lost the case;

That there is reason to hold NOMECO responsible for the costs in accordance with Article 57 of the Code of Civil, Commercial, Administrative and Financial Procedure;

NOW THEREFORE

Ruling in public based on the arguments of both parties on an urgent basis in a civil matter in the first instance;

ON THE MERITS

We refer the parties to enter an appeal as they shall advise;

BUT AT THIS TIME, GIVEN THE URGENCY AND BY WAY OF ADVANCE

We find that the judgment of December 23, 2004 has not yet been confirmed by the Congolese jurisdictions;

We find that said judgment has never been served upon the SNPC;

CONSEQUENTLY;

We order NOMECO to deliver without delay to any operator that the SNPC designates all quantities of hydrocarbons that belong to it and in NOMECO's possession pursuant to their partnership contract;

We order the immediate execution of this order notwithstanding any appeals;

The costs shall be paid by NOMECO.

And, we have signed this Order with the Registrar.



[stamp: EXECUTION COPY  
Certified True Copy  
Joachim Mitolo, Attorney at Law  
B.P. 1384 [Tel. 94 83 28] [signature]

[illegible signature]

[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

The signatures of the Presiding Judge and the Registrar follow.  
The recording follows.

Recorded in Pointe-Noire on December 28, 2004  
Certified true execution copy, checked against the original  
Pointe-Noire, December 28, 2004  
Chief Registrar

In consequence thereof: the Republic of the Congo orders its registrars, based upon this application, to execute said judgment with the Attorneys General and Prosecuting Attorneys of the Appeals Courts and Courts of First Instance to assist all commanders and law enforcement agencies to lend a hand when they are required by law to do so.

In witness whereof, this execution copy has been signed and sealed by the Head Registrar of the Pointe-Noire Court of First Instance and delivered by him in the form of an execution copy.

[signed]

By the Court  
Document Checked against the Original  
The Head Registrar

R. Koud-Okouo, Attorney  
Head Registrar